

UNITED STATES GOVERNMENT

Memorandum

TO : SAC, CHICAGO (183A-1473) (P) (SQUAD #6) DATE: 12/3/81

FROM : SA [REDACTED] (SOUTH RA)

SUBJECT: UNSUBS;
ALFRED PILOTTO-
INTENDED VICTIM;
SAM GUZZINO-
MURDER VICTIM;
NICHOLAS D'ANDREA-
MURDER VICTIM;
RICO-MURDER

(OO: CHICAGO)

Re conversation with Chicago Strike Force Attorney, Douglas Roller and ASAC John K. Chadwick on 12/2/81.

The Chicago Division is currently investigating Richard Guzzino, 235 West 16th Street, Chicago Heights, Illinois, for violation of Title 18, USC, Sections 371 and 1510, RICO-Conspiracy; O.O.J. This investigation which began approximately 10/20/81, has led this Division to believe that Richard Guzzino is using telephone number (312) 755-1228, located at 235 West 16th Street, and subscribed to by Florence Guzzino, to conduct and further criminal activities in violation of Federal law.

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Our investigation to date indicates that Richard Guzzino, a witness and co-conspirator to the shooting of Alfred Pilotto, and brother of Sam Guzzino, is currently in hiding and is receiving and placing calls to telephone number (312) 755-1228. Guzzino's testimony regarding the attempted murder of Pilotto, could directly link Albert Tocco to the investigation.

It appears that telephone number (312) 755-1228, may be used by Florence Guzzino to contact Richard Guzzino, and Richard is returning calls to that number, and, as a result, the use of a device to register telephone numbers called will result in obtaining information concerning the above described offenses, other participants, and co-conspirators.

- ⑤ - Chicago
(1- 66-5195 SUB C)
(1- 66-699 SUB D)
(1- DOUGLAS ROLLER, CHICAGO STRIKE FORCE)



5010-110

RRT/dlf Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

PPH (5) *[Signature]*

123A CG-111631-
183A-1473-4

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DEC 3 1981	
FBI - CHICAGO	

[Signature]

CG 183A-1473

The case Agents for this investigation is
[redacted] who may be
contacted at telephone number [redacted] or
[redacted]

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FBI

TRANSMIT VIA:

☐ Teletype
☐ Facsimile
☒ Airtel

PRECEDENCE:

☐ Immediate
☐ Priority
☐ Routine

CLASSIFICATION:

☐ TOP SECRET
☐ SECRET
☐ CONFIDENTIAL
☐ UNCLAS E F T O
☐ UNCLAS

Date 1/12/82

TO : DIRECTOR, FBI

FROM: SAC, CHICAGO (183A-1473) (P) (SQUAD #6) (TOUTH RA)

SAMUEL GUZZINO (DECEASED);
 RICHARD WILLIAM GUZZINO
 ROBERT F. CIATROCCHI
 DANIEL ADDISON BOUNDS;
 ALFRED PILOTTO-INTENDED VICTIM;
 RECO-MURDER

(OO: CHICAGO)

b7C

Re Chicago airtel to the Bureau dated 1/8/82.

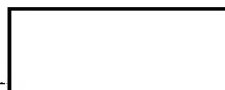
For the information of the Bureau, subject Bounds, is cooperating with the Bureau regarding captioned matter. Another subject, Richard Guzzino, has been hiding since the gangland murder of his brother, Samuel in October, 1981. Bounds was able to have telephone conversations with Guzzino and it was hoped that references to captioned matter could be obtained.

On 12/1/81, SAC authority and concurrence by John Eyon, Strike Force Attorney, Chicago, was obtained to monitor telephonic conversations between Bounds and Guzzino. Telephone conversations were recorded on 12/1/81, 12/17/81, and 12/23/81. Some references to captioned matter obtained. Guzzino has since been located and interviewed. Chicago does not anticipate use of recorded telephonic conversations at this time.

2 - Bureau
 2 - Chicago

MX/RL
 MK(1)

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ER
ER

Approved: _____ Transmitted _____ (Number) _____ (Time) Per _____

CG 183A-1473

LEAD

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CHICAGO

INASMUCH AS CAPTIONED SUBJECTS USED FIREARMS
IN CAPTIONED MATTER, ARE KNOWN TO HAVE CARRIED FIREARMS
IN THE PAST, AND ARE NOW HIDING IN FEAR OF THEIR LIVES,
THEY ARE BEING CONSIDERED ARMED AND DANGEROUS.



U.S. Department of Justice

Federal Bureau of Investigation

In Reply, Please Refer to
File No. CG 183A-1473

Chicago, Illinois
March 1, 1982

SAMUEL GUZZINO (DECEASED):
RICHARD PHILLIP GUZZINO;
ROBERT F. CIARROCCHI;
DANIEL ADDISON BOUNDS;
OBSTRUCTION OF JUSTICE

This memorandum has been prepared to summarize the investigation conducted by the Federal Bureau of Investigation (FBI) to date in the attempted gangland murder of Alfred Pilotto, Chicago south suburban organized crime boss. The prosecutive action strongly recommended of the Chicago Strike Force, United States Department of Justice is that Richard Guzzino and Robert Ciarrocchi be charged with violation of Title 18, USC, Section 1503 - Obstruction of Justice. Further, that warrants be issued for their arrest in that both together, and with others conspired and planned the murder of Pilotto as part of a preconceived plot by the hierarchy of organized crime to prevent Pilotto, a defendant in a union case, from "spilling names." It is noted the elimination of Pilotto would weaken or destroy the Government's case against Chicago Organized Crime boss Anthony Accardo.

Background

On June 3, 1981, a Federal grand jury in the Southern District of Florida, Miami, Florida, returned a one count indictment against sixteen individuals charging them with conspiring to violate Title 18 U.S.C., Section 1962(d) - Racketeer Influenced and Corrupt Organizations Statute. Included among the sixteen individuals were organized crime figures Anthony Accardo, Santo Trafficante and Alfred Pilotto. The indictment charged that the defendants conspired to conduct the affairs of the Laborer's International Union of North America (LIUNA) through a pattern of racketeering activity by giving and receiving unlawful kickbacks for the granting of LIUNA pension fund, life insurance, vision and dental businesses.

On July 25, 1981, a lone gunman shot and seriously wounded Alfred Pilotto on a golf course in Crete, Illinois. Pilotto had been golfing with Samuel Guzzino, Nick Fushi and Rudy Bamonti. Guzzino, a close associate of Pilotto's

was the part owner/operator of the Vagabond Lounge, a major house of prostitution and gambling in Chicago Heights, Illinois. Guzzino who acted as Pilotto's bodyguard was on the golf date during which Pilotto was shot.

[redacted]
Guzzino was being looked at very closely. [redacted] related that Guzzino supposedly had been armed at the time of the shooting, but took no action toward Pilotto's assailant.

[redacted]
[redacted] gave the approval to have Pilotto killed.

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On January 26, 1982, a confidential source advised that Sam Guzzino had developed a close relationship with [redacted] since the summer of 1980. [redacted]

[redacted] and Guzzino met with [redacted] both before and after the indictment of Pilotto, and Accardo in Miami. A review of paging records of Guzzino corroborate calls and messages from [redacted]

Events Following Pilotto Shooting

On September 13, 1981, the body of Nicholas D'Andrea, a south suburban organized crime figure, was found in his burning car in Crete, Illinois. D'Andrea had been beaten and burned. Investigation to determine the relationship between [redacted] and Nicholas D'Andrea continues.

On October 3, 1981, the body of Samuel Guzzino was found in a field in Beecher, Illinois. Guzzino had been shot in the head and had his throat slashed. On the day of Samuel Guzzino's funeral, his brother, Richard Phillip Guzzino and two close associates, Robert F. Ciarrocchi and [redacted] fled the Chicago Heights area.

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Daniel Addison Bounds

On November 30, 1981, Daniel Addison Bounds contacted the Chicago office of the Federal Bureau of Investigation through an intermediary and agreed to voluntarily provide details of the conspiracy to murder Alfred Pilotto. In summary Bounds advised that he was hired by Samuel Guzzino, his ex-father-in-law, to murder Alfred Pilotto. Samuel Guzzino told Bounds that "the hit" had been ordered by [redacted] because "the people" feared that Pilotto, a defendant in a union case, would "spill names" in that case. Bounds detailed the conspiracy and roles played by Samuel Guzzino, Richard Guzzino and Robert Ciarrocchi. Richie Guzzino, brother of Sam, ran the gambling portion of the Vagabond Lounge and managed the cab companies operated out of the same building. Robert Ciarrocchi, one of Richies closest associates, helped him at the Vagabond. For detailed statement see Attachment #1.

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Bounds was polygraphed regarding his role and that of others in this conspiracy and found to be truthful. Extensive investigation was conducted which substantially corroborated Bounds' statement.

On December 1, 1981, Bounds received a consensually monitored call from Richard Guzzino. Guzzino indicated that Samuel Guzzino's death had nothing to do with Pilotto. Guzzino acknowledged that he knew of the guns buried in the creek by the golf course, but added that he did not want to talk about that. For transcript of pertinent conversation see Attachment #2.

On December 17, 1981, and December 23, 1981, Bounds received consensually monitored calls from Guzzino during which Guzzino acknowledged that they did a job together that did not work out. The man who hired them was dead. Guzzino also told Bounds to stay away from [redacted] because [redacted] would kill Bounds. For transcripts of pertinent conversations see Attachment #3 and 4.

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These consensually monitored conversations centered upon Bounds' eliciting responses from Guzzino regarding Bounds' plight over the Pilotto shooting. Throughout these conversations, Guzzino made strong innuendo and outright admissions concerning his substantial involvement in this shooting.

On December 23, 1981, Richard Guzzino was interviewed at the Orland Park Office of the FBI. Guzzino acknowledged that he was in hiding in fear of his life. Guzzino was confronted with statements of Bounds. Guzzino made comments indicating that he had knowledge of the Pilotto shooting, but could not get in trouble except by his own words. He added that his brother was not killed because of the Pilotto shooting, but for something else. He and Sam were so close that he knew everything Sam did, which would necessarily include the Pilotto shooting. For detailed interview see Attachments #5 and #6. b7C

Recommendation

Through monitored conversations with Daniel Bounds, Richard Guzzino perfunctorily admitted his complicity with Bounds and his late brother, Samuel Guzzino, in the attempted murder of Pilotto. Richard Guzzino also admitted knowledge concerning the gangland murders of his brother and Nicholas D'Andrea, [REDACTED]

Reliable confidential informants have established the roles of Sam Guzzino, [REDACTED] in the attempt to murder Pilotto, a co-defendant of Accardo's in the LIUNA case.

In due time, the identity of Daniel Bounds will surface as the confessed assailant of Al Pilotto. It will also be known that the recipients of Bounds' cooperation were the FBI and the Chicago Strike Force-the two most important Government agencies charged with the responsibility of investigating and prosecuting organized crime.

Bounds' act of shooting Al Pilotto and subsequently surrendering to the FBI is an historical landmark in organized crime investigations. This is the first opportunity in recent memory that the FBI and Chicago Strike Force can entertain prosecution on a gangland hit.

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The veracity of Bounds, the "hitman" has been substantiated. The complicity of Richard Guzzino is documented. The only logical and responsible conclusion to this investigation rests in the courtroom.

Special Agent in Charge, Chicago, strongly recommends that complaints be filed and warrants issued for Richard Guzzino and Robert Ciarrocchi for violation Title 8, USC, Section 1503 - Obstruction of Justice.

Memorandum

Caution: This document contains
grand jury material. Dissemination
is controlled by Rule 6(e).



Subject

Proposed Prosecution of Daniel Addison Bounds

Date

October 5, 1982

To

Gerard T. McGuire, Deputy Chief
Organized Crime and Racketeering Section
Criminal Division

From

DPL/gst
Douglas P. Roller, Attorney in Charge
gls John G. Evon, Special Attorney
Chicago Strike Force

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1. Proposed Defendant

Daniel Addison Bounds; Date of Birth: [redacted] Social Security
Number: [redacted] FBI Number: [redacted]

[redacted]

[redacted]

2. Proposed Charges

<u>Defendant</u>	<u>Charge</u>	<u>Indictment/Information</u>
Bounds	Conspiracy 18 U.S.C. §371	Count I
	Obstruction of Justice 18 U.S.C. §1503	Count II

3. Summary of the Case

On July 25, 1981, Alfred Pilotto was shot and wounded near the eighth tee of the Lincolnshire Golf Course, Crete, Illinois. Pilotto, 70 years old, is present of Local 5 of the Laborers International Union and has been identified as one of five street bosses of the Chicago Organized Crime group. His brother, Henry Pilotto, is the Chief of Police of the Chicago Heights Police Department, a notoriously corrupt law enforcement agency.

Essentially, the evidence will show that Bounds was solicited to do the shooting by his ex-father-in-law, Sam Guzzino, a prominent south side LCN figure who was found murdered on October 5, 1981.

The goal of the conspiracy to murder Pilotto was to eliminate him as a potential witness in a federal case awaiting trial in Florida. The indictment, No. 81-230-CR-JWK, charged Pilotto, Anthony Accardo and others with a RICO violation based upon a kickback scheme to steal Laborer's Union funds. Pilotto was convicted and on September 14, 1982 was sentenced to twenty years imprisonment. The co-conspirators in the shooting included Sam's brother, Richard Guzzino, an LCN member, and one Robert Ciarrocchi. Sam Guzzino told the witness that [redacted] had ordered the killing.

[redacted]

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The evidence in this case consists primarily of the statements and [redacted] other corroborative evidence as set forth in the Statement of Facts section which follows.

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4. Statement of the Law

A. Obstruction of Justice under Title 18, United States Code, Section 1503.^{1/}

This section forbids the obstruction of justice directed at witnesses, jurors, officers of the court and specifically proscribes "endeavoring to influence, obstruct or impede the due administration of justice."

It should be noted that this section does not require that the due administration of justice was or could be obstructed but only that the defendant endeavored to do so. United States v. Nicosia, 638 F.2d 970, (7th Cir. 1980).

^{1/} Title 18, U.S.C. Section 1503, states as follows:

Whoever corruptly, or by threats or force, or by any threatening letter or communication, endeavors to influence, intimidate, or impede any [witness] in any court of the United States or before any United States commissioner or other committing magistrate or any grand or petit juror, or officer in or of any court of the United States, or officer who may be serving at any examination or other proceeding before any United States commissioner or other committing magistrate, in the discharge of his duty or [injures any party or witness] in his person or property on account of his attending or having attended such court or examination before such officer, commissioner, or other committing magistrate, or on account of his testifying or having testified to any matter pending therein, or injures any such grand or petit juror in his person or property on account of any verdict or indictment assented to by him, or on account of his being or having been such juror, or injures any such officer, commissioner, or other committing magistrate in his person or property on account of the performance of his official duties, or corruptly
(footnote continued on next page)

To convict Bounds under 18 U.S.C. §1503, the government must prove: (1) That he endeavored, by the use of force, to influence, intimidate and impede a witness, in a court of the United States; or (2) That he injured a party (to a Federal judicial proceeding) in his person on account of his attending or having attended a Federal court proceeding; or (3) That he influenced, obstructed and impeded and endeavored to influence, obstruct and impede the due administration of justice.

The proof will show Bounds guilty under each of three above-stated provisions.

Although we have found no reported cases interpreting the "any party" language, a plain reading of the provision indicates that Bounds' conduct is covered. It is beyond question that Pilotto was a party awaiting trial in a Federal court and that Bounds' shot and wounded him in an attempt to eliminate him as a party defendant.

Section 1503 is based on 18 U.S.C. §241. See 18 U.S.C.A. §1503 at 564; United States v. Chandler, 604 F.2d 972, 974 (5th Cir. 1978), cert. dismissed, 444 U.S. 1104 (1980). The two sections are often used together or virtually interchangeably.

Although Section 1503 has often been used most often to reach instances of interference with a trial witness, the scope of the section is not so confined. Courts have recognized that the true object of Section 1503 is the protection of the judicial process as a whole. United States v. Berardi, 675 F.2d 894, 903 (7th Cir. 1982); United States v. Chandler, 604 F.2d 972, 974 (5th Cir. 1979), cert. dismissed, 444 U.S. 1104 (1980). In fact case law interpreting the "omnibus clause" of Section 1503 has placed special emphasis on the wide scope of the statutory language which prohibits any impeding of the "due administration of justice." See, e.g., United States v. Howard, 569 F.2d 1331, 1335 (5th Cir. 1978), cert. denied, 439 U.S. 834 (citing cases).

In the present case where evidence will show that the shooting took place precisely to prevent Pilotto from participating in his scheduled Florida trial, a court should have no difficulty in finding that this constitutes an interference with the due administration of justice.

(footnote continued from previous page)

or by threats or force, or by any threatening letter or communication, influences, obstructs, or impedes, or endeavors to influence, obstructs, or impede, the due administration of justice, shall be fined not more than \$5,000 or imprisoned not more than five years, or both. (emphasis added)

If the court chooses a more narrow reading of Section 1503, the shooting in the instant case should still be found to be an obstruction of justice under the interference with the witness provision. The Seventh Circuit has decided that:

A "witness" under §1503 is one who knows or is expected to know material facts and is expected to testify to them or to be called on to testify. (emphasis added)

United States v. Berardi, 675 F.2d 894, 903 (7th Cir. 1982) (citing cases). Thus this Circuit has decisively rejected the standard of Berra v. United States, 221 F.2d 590, 596 (8th Cir. 1978), aff'd on other grounds, 351 U.S. 131 (1956). Berra had looked to the subjective intentions of the putative witness in order to define who was a witness. The Berardi Court on the other hand emphasized that in order to fulfill the over-arching purpose of Section 1503 - to protect the participants in federal judicial proceedings - a witness should be defined by the expectations of those he might testify against. 675 F.2d at 904. This functional definition, said the Seventh Circuit, is the only way to stress substance over form.

In the present case, Pilotto may or may not have expected to exercise his right to testify in his own behalf. But it is beyond question that his assailants shot him precisely in order to interfere with his participation in a federal judicial proceeding.

B. Conspiracy under Title 18, United States Code, Section 371^{2/}

In order for the government to establish the conspiracy charge, the following must be proven beyond a reasonable doubt: (1) That a conspiracy existed, that is, Bounds and at least one other person agreed and combined to commit an offense against the United States (Here to obstruct justice in violation of 18 U.S.C. §1503); (2) That Bounds knowingly and intentionally became a member of the conspiracy; and (3) That an overt act was committed in furtherance of the conspiracy.

"A conspiracy consists of a combination or confederation of two or more persons formed for the purpose of committing, by their joint efforts, a criminal act. An agreement is the primary element of a conspiracy, but a formal agreement need not be demonstrated . . ." United States v. Hedman, 630 F.2d 1184, 1192 (7th Cir. 1980), cert. denied, 450 U.S. 965.

^{2/} Title 18, United States Code, Section 371 states as follows:

If two or more persons conspire either to commit any offense against the United States, or to defraud the United States, or any agency thereof in any manner or for any purpose, and one or more of such persons do any act to effect the object of the conspiracy, each shall be fined not more than \$10,000 or imprisoned not more than five years, or both.

If however, the offense, the commission of which is the object of the conspiracy, is a misdemeanor only, the punishment for such conspiracy shall not exceed the maximum punishment provided for such misdemeanor.

Bounds' participation will be proven by his own statements, that is, his statement to Special Agents of the Federal Bureau of Investigation and his testimony before a Federal Grand Jury. As admissions by a "party-opponent", they are non-hearsay statements and may be used as evidence against him. Federal Rules of Evidence, Rule 801(d) (2) (A).

An "overt act" is any act knowingly done in furtherance or some object of the conspiracy. United States v. Masiello, 491 F.Supp. 1154, 1164 (D.C. S.C. 1980).

All that is required is that one of the conspirators commit an overt act after they have joined together. United States v. Fellabaum, 408 F.2d 220, 228 (7th Cir. 1969), cert. denied, 396 U.S. 810.

The most obvious overt act committed here is the actual shooting of Pilotto, which Bounds has repeatedly admitted in detail and which is substantially corroborated by other evidence.

5. Statement of Facts/Proof of the Offenses^{3/}

A. Background

On June 3, 1981, a Federal grand jury in the Southern District of Florida, Miami, Florida, returned a one count indictment against sixteen individuals charging them with conspiring to violate Title 18, United States Code, Section 1962(d) - Racketeer Influenced and Corrupt Organizations Statute.^{4/} Included among the sixteen individuals were organized crime figures Anthony Accardo, Santo Trafficante and Alfred Pilotto. The indictment charged that the defendants conspired to conduct the affairs of the Laborer's International Union of North America (LIUNA) through a pattern of racketeering activity by giving and receiving unlawful kickbacks for the granting of LIUNA pension fund, life insurance, vision and dental businesses.

On July 25, 1981, a lone gunman shot and seriously wounded Alfred Pilotto on a golf course in Crete, Illinois. Pilotto had been golfing with Samuel Guzzino, Nick Fushi and Rudy Bamonti. Guzzino, a close associate of Pilotto's was the part owner/operator of the Vagabond Lounge, a major house of prostitution and gambling in Chicago Heights, Illinois. Guzzino who acted as Pilotto's bodyguard was on the golf date during which Pilotto was shot.

B. Events Following Pilotto Shooting

On September 13, 1981, the body of Nicholas D'Andrea, a south suburban organized crime figure, was found in his burning car in Crete, Illinois. D'Andrea had been beaten and burned.

^{3/} Since this prosecution memo seeks permission to bring charges only against Bounds, at the present time, the focus in this section is naturally upon his participation.

^{4/} A copy of the indictment is attached hereto.

On October 3, 1981, the body of Samuel Guzzino was found in a field in Beecher, Illinois. Guzzino had been shot in the head and had his throat slashed. On the day of Samuel Guzzino's funeral, his brother, Richard Phillip Guzzino and two close associates, Robert F. Ciarrocchi and [redacted] led the Chicago Heights area.

C. Daniel Addison Bounds

On November 30, 1981 Daniel Addison Bounds contacted the Chicago Office of the Federal Bureau of Investigation through an intermediary and agreed to voluntarily provide details of the conspiracy to murder Alfred Pilotto. In summary Bounds advised that he was hired by Samuel Guzzino, his ex-father-in-law, to murder Alfred Pilotto. Samuel Guzzino told Bounds that "the hit" had been ordered by [redacted] because "the people" feared that Pilotto, a defendant in a union case, would "spill names" in that case. Bounds detailed the conspiracy and roles played by Samuel Guzzino, Richard Guzzino and Robert Ciarrocchi. Richie Guzzino, brother of Sam, ran the gambling portion of the Vagabond Lounge and managed the cab companies operated out of the same building. Robert Ciarrocchi, one of Richie's closest associates, helped him at the Vagabond.

Bounds turned himself in to the Federal Bureau of Investigation because he feared that he would be killed either by the outfit or by some members of the Chicago Heights Police Department acting on behalf of [redacted]

Bounds voluntarily placed himself under the protection of the Federal Bureau of Investigation and fully cooperated in the investigation.

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The Federal Bureau of Investigation has informed the Chicago Strike Force that: (1) Bounds is willing to plead guilty to the charges proposed herein and (2) Testify against other conspirators should the government later obtain an indictment against them.

D. Witnesses

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DE CG

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FM CHICAGO (183A-1473) (SQUAD 6C/14)

TO DIRECTOR ROUTINE

BT

UNCLAS

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ATTENTION: SA [REDACTED] OC SECTION.

SAMUAL GUZZINO (DECEASED); ET AL; ALFRED PILOTTO -
INTENDED VICTIM; RICO - MURDER; 00:CHICAGO.

RE CHICAGO TELETYPE TO THE BUREAU, DATED
SEPTEMBER 30, 1982.

PER REFERENCED COMMUNICATION, BUREAU WAS REQUESTED
TO ESTABLISH LIAISON WITH THE DEPARTMENT OF JUSTICE
IN ORDER TO EXPEDITE APPROVAL OF A PROSECUTIVE MEMORANDUM
SUBMITTED BY CHICAGO STRIKE FORCE AND TO INSURE MAXIMUM
DEPARTMENTAL SYSTEMS FOR CHICAGO STRIKE FORCE. TO DATE,
DEPARTMENTAL APPROVAL OF THE PROSECUTIVE MEMORANDUM HAS
NOT BEEN RECEIVED.

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PAGE TWO

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ROUTINE

BUREAU IS REQUESTED TO CONTACT THE U. S. DEPARTMENT
OF JUSTICE IN ORDER TO DETERMINE STATUS OF PROSECUTIVE
MEMORANDUM CONCERNING DANIEL ADDISON BOUNDS.

BT

Memorandum



CAUTION: CONTAINS GRAND JURY MATERIAL. DO NOT DISCLOSE EXCEPT PURSUANT TO RULE 6(e) F.R.Cr.P.

Subject Prosecution of Richard Guzzino and Robert Ciarrocchi for various federal violations arising from the attempted murder of Alfred Pilotto.		Date November 30, 1983 CIR Bounds 1/18/82
To Marvin R. Loewy, Deputy Chief Organized Crime & Racketeering Section, Criminal Division	From Douglas P. Roller, Attorney in Charge Gary S. Shapiro, Deputy Atty. in Charge John G. Evon, Special Attorney Chicago Strike Force	

I. Proposed Defendants:

A. Richard Phillip Guzzino (FBI No. 43 012 M 2), born on July 9, 1939, at Chicago Heights, Illinois, now resides at 23453 Western Avenue, Apartment M-1152, Chicago, Illinois. Guzzino was convicted in 1973 for participating in the operation of a gambling business, in violation of Title 18, United States Code, Section 1955, and received a sentence of one year probation.

Guzzino and, before his death, his brother Sam, were LCN members who reported to [redacted] The brothers owned Casey Cab Co., a Chicago Heights taxi firm, which employed Daniel Bounds, Sam Guzzino's former son-in-law and the man who shot and wounded Alfred Pilotto, the southside LCN boss and Laborer's Union official. The Guzzinos also owned the Vagabond Lounge, a notorious Chicago Heights house of prostitution. b7C

B. Robert F. Ciarrocchi, born on [redacted] at Chicago Heights, Illinois, was last known to reside at 725 N. Second Street, Mattoon, Illinois. A long-time personal friend of the Guzzinos, Ciarrocchi has never been convicted of any crimes and has no known current employment. [redacted]

II. Proposed Charges:

Count I	Guzzino/Ciarrocchi	Civil Rights-Murder Conspiracy 18 U.S.C. §241
Count II	Guzzino/Ciarrocchi	Obstruction of Justice 18 U.S.C. §1503
Count III	Guzzino/Ciarrocchi	Use of Firearm in the Commission of a Federal Felony 18 U.S.C. §924(c) (2)

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[redacted] WK

Count IV Guzzino

Receipt of Firearm by a Felon
18 U.S.C. §922(h)

III. Summary of the Case:

In 1981, Alfred Pilotto, then 70 years old, was awaiting trial in Miami, Florida along with Anthony Accardo, Santo Trafficante and thirteen others, for various violations of federal law centering on kickbacks obtained from Laborers International Union health and welfare funds in connection with the creation and operation of dental and vision care clinics for union members in Illinois and Florida. Pilotto was then boss of southside group of the Chicago LCN family and President of Local 5 of the Laborers Union. In these positions, Pilotto is believed to have exercised domination of the affairs of the International, and with the assistance of [REDACTED]

[REDACTED] controls the city of Chicago Heights and the surrounding area of southern Cook County.

On July 25, 1981, Pilotto was shot four times while golfing on the Lincolnshire Golf Course in Crete, Illinois. His golfing foursome included Sam Guzzino, the brother of proposed defendant Richard Guzzino. The lone gunman, who escaped on foot, was not immediately apprehended and none of Pilotto's golfing companions returned fire, although Guzzino was known to habitually carry a pistol.

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Approximately two months later, Nicholas D'Andrea was found beaten to death in his burning car in Crete, Illinois. D'Andrea, an LCN member and associate of [REDACTED] was a major cocaine trafficker and numbers operator.

On October 3, 1981, the body of Samuel Guzzino was found in a field in Beecher, Illinois. Guzzino had been shot in the head and had his throat slashed. On the day of Samuel Guzzino's funeral, his brother, Richard Phillip Guzzino and two close associates, Robert F. Ciarrocchi and [REDACTED] fled the Chicago Heights area.

On November 30, 1981, Daniel Addison Bounds contacted the Chicago Office of the Federal Bureau of Investigation through an intermediary and agreed to voluntarily provide details of the conspiracy to murder Alfred Pilotto. In summary Bounds advised that he had been hired by Samuel Guzzino, his ex-father-in-law, to murder Alfred Pilotto. Samuel Guzzino told Bounds that "the hit" had been ordered by Albert Tocco because "the people" feared that Pilotto, a defendant in a union case, would "spill names" in that case. Bounds detailed the conspiracy and roles played by Samuel Guzzino, Richard Guzzino and Robert Ciarrocchi.

Bounds turned himself in to the Federal Bureau of Investigation because he feared that he would be killed either by the Outfit or by [REDACTED]

Bounds voluntarily placed himself under the protection of the Federal Bureau of Investigation and fully cooperated in the investigation. [redacted]

Bounds subsequently pleaded guilty to conspiracy and obstruction of justice and is now serving a ten year sentence in the U.S. Bureau of Prisons' Witness Protection Program.

IV. Statement of Evidence

A. Daniel Anthony Bounds [redacted]

In the summer of 1981, Bounds, then 27 years old, had recently been divorced from Sam Guzzino's daughter, who had obtained custody of their only child. Bounds was employed as a cab driver by Guzzino and his brother Richard, who owned and operated the Casey Cab Company of Chicago Heights, Illinois. He had remained on friendly terms with his former father-in-law after the divorce and when he experienced problems with his ex-wife concerning visitation Sam Guzzino would intervene with his daughter and arrange for Bounds to see his child. b3 b7C

In mid-July 1981, Sam Guzzino met with Bounds at Guzzino's apartment and asked him if he was interested in a "job". When Bounds inquired what Guzzino wanted done, Guzzino replied that if he told him, he was "in all the way." Guzzino went on to tell Bounds that the job was a murder - on the orders of Al Tocco - and that if Bounds didn't want it, someone else could be found to handle it. Guzzino said [redacted] had given him the responsibility for carrying out the hit, and [redacted] would have met with Bounds, but was afraid of their being seen together at Guzzino's apartment.

Guzzino told Bounds that he would be paid \$2,500.00 plus an additional \$100.00 a week added to his salary. Guzzino also offered to take care of his child support payments and to insure that he was able to visit his child on a regular basis. When Bounds asked time to think over Guzzino's offer, Guzzino told him it was too late for that, since he now knew about the murder order, which Guzzino stated was going to happen soon.

Within a day or two, Bounds confided in [redacted] who expressed his disbelief and told Bounds that he did not want to know any more.

Several days after Sam Guzzino had first advised Bounds of the murder contract, Bounds was called into the back room of the cab company by Richard Guzzino, who told him in Sam's presence that he was pleased that he was going to do the "hit" and that afterwards he would never have anything to worry about because he would always have a job. During the course of their discussion, Richard Guzzino told Bounds that he would have loved to do the job himself, but his legs were "screwed up." When Bounds expressed surprise, Richard told him that he had done a hit before.

A few days later Sam Guzzino called Bounds at home and told him to come to the cab company. When Bounds arrived, he was met by Richard and Sam Guzzino and Robert Ciarrocchi. They drove to a rural area outside of the city in Ciarrocchi's car and stopped alongside a golf course where Ciarrocchi removed a rifle with a silencer attached from a golf club box in the back seat of the car. Ciarrocchi and Bounds then fired the rifle a few times at a stop sign. Ciarrocchi hit the sign, but Bounds missed it completely. Although Ciarrocchi had bragged during the ride that the rifle could "drop an elephant," when they examined the sign they found that none of the rounds had penetrated. When Sam Guzzino learned that the sign was only dented, he told Ciarrocchi to forget about using the rifle. Guzzino told them that he had to leave for Las Vegas, so he would leave the remaining preparation up to his brother and Ciarrocchi, but instructed Ciarrocchi to obtain some handguns and see if Bounds could do any better with those.

During the conversation that day, Sam Guzzino described their intended, but as yet unidentified, victim as old and senile. Guzzino said he was in a union case in Miami and that they were afraid "that mother-fucker's gonna talk." Guzzino added that the man had to go; it had to be done.

A short time later, Richard Guzzino called Bounds at home and along with Ciarrocchi picked him up and drove to a rural area near Nache and Offner Roads outside of Chicago Heights where Guzzino removed a .357 magnum and a .45 caliber automatic from a paper bag and gave Bounds the guns to practice shooting. Ciarrocchi explained the operation of the pistols, and Bounds fired a number of times at an abandoned wooden sign.

Around the same time, Richard Guzzino drove Bounds to a Radio Shack store in South Chicago Heights, where he gave Bounds \$190 to \$200 and told him to buy a handie talkie radio monitor. Bounds purchased a 4 or 5 crystal radio, using a false name and the true address of the cab company, but after the Guzzinos' tested the radio, they told him to return it and that they would obtain a monitor that would fit their needs.

Richard Guzzino and Ciarrocchi also took Bounds to the Lincolnshire Golf Course in nearby Crete, Illinois, where they told him the hit was to take place. They specifically directed him to two tees and the routes away from them. Of the two, Bounds preferred the eighth tee because of the cover, although the escape route took more than an hour to cover on foot.

On July 22, 1981, Richard Guzzino took Bounds to a K-Mart in Chicago Heights where Bounds bought green coveralls, hat, and nylon backpack.

The following evening, Bounds was driving a cab when he was dispatched to an address in Chicago Heights and instructed to pick up a package from a woman there to deliver to Sam Guzzino's home. He was given three videotape cassettes by a woman in her 50's or 60's which he then delivered to Guzzino's apartment, where one of the tapes was played for him by Sam Guzzino.

The tape was shot at the 75th birthday party for Sam Guzzino's mother at the Alcazar Restaurant in Chicago Heights. During the course of playing the tape for Bounds, Guzzino suddenly stopped it and pointed to a man shown at the party. Guzzino told Bounds that the man was Al Pilotto and that was who Bounds was to kill.

Guzzino told Bounds that Pilotto was in his 70's and was getting senile, and that "the people" were afraid that he was going to spill names as he was going to court in a union case. Guzzino stated that Pilotto had to be hit. (Bounds claims that at that time he knew Pilotto only as the brother of Chicago Heights Police Chief Henry Pilotto, and had no idea of his position in organized crime.) Guzzino instructed Bounds that Pilotto would be playing golf at the Lincolnshire course on Saturday, July 25, and that the hit was to take place then at 8:30 a.m. at the 8th tee.

At 2:00 a.m. on July 25, Ciarrocchi picked Bounds up and drove him to Ciarrocchi's apartment where Ciarrocchi cleaned and loaded the same two handguns Bounds had used in practice. Around 4:00 a.m., Richard Guzzino arrived and gave Bounds a radio scanner which he told Bounds he had to have back as it belonged to Phil Knox, a dispatcher and part-time driver for the Guzzinos' cab company. Bounds recognized the scanner as one he had seen Knox using. The scanner was set to monitor the frequencies of the Chicago Heights Police and Fire Departments, as well as the cab company. Ciarrocchi wiped the scanner down, and put it and the handguns in Bounds' backpack. They then discussed Bounds' escape route from the golf course on foot to a location where Ciarrocchi would pick him up in his car.

At 8:00 a.m. Ciarrocchi and Bounds left the apartment in Ciarrocchi's car, a 1979 green Lincoln Town car and drove to a path which led to the 8th tee from an access road. Bounds, wearing his green coveralls and carrying the backpack containing the handguns, scanner and Bounds' personal survival rations (a can of Coca Cola and package of cigarettes), walked up the path and hid in the bushes adjacent to the tee. While awaiting the approach of Pilotto, Bounds removed the guns from the backpack, placing the .357 in his belt and holding the .45 in his hand. He also placed a nylon stocking over his head.

Approximately 10 minutes after arriving near the tee, Bounds saw two men drive up in a golf cart. Initially not certain that one of them was Pilotto, he waited while that person teed off. Within a few seconds, however, Bounds saw Sam Guzzino driving towards the tee in a golf cart, and was then certain that he had correctly identified Pilotto.

From the bushes, Bounds fired one shot at Pilotto, hitting him in the left shoulder. Bounds then ran towards Pilotto, who had fallen against the steps leading down from the tee, and fired three more times as he ran. As he ran toward him, Pilotto raised his hands and yelled, "Please don't shoot." Bounds then turned and ran away from the tee, the .45 firing once more accidentally into the ground as Bounds had to leap over a chain stretched between two posts. Following his pre-planned escape route, Bounds ran alongside a nearby creek, where he buried the guns (which have never been found) under some rocks in the creek. Bounds also took off his outer clothing and carried it.

Approximately 45 minutes after the shooting Bounds arrived near the location where Ciarrocchi was to meet him. Ciarrocchi arrived within 15 minutes and drove Bounds to Ciarrocchi's home. During the drive, Bounds told Ciarrocchi that he had "screwed up" by leaving the radio near the 8th tee and by hiding the guns.

Bounds will testify that it was only that evening while watching the news on television that he realized the significance of his victim. Frightened, Bounds again confided in [redacted] and he also told [redacted]

The morning after the shooting, Bounds was telephoned by Richard Guzzino and told to come to the cab company. When he arrived both Richard and Sam Guzzino were present. Sam told Bounds that he had "fucked up", but took the blame for not having a second shooter to back Bounds up and finish Pilotto off. Guzzino stated that he should have anticipated mistakes, since it was Bounds' first hit. He said, if questioned, he would tell police that the cab garage had experienced theft problems and that the scanner had been stolen. Guzzino instructed Bounds to take a few days off to calm down, and reassured him that since only he, Richard, and Ciarrocchi knew of Bounds' role, no one could connect him with the shooting as long as he kept his mouth shut. 1/

A few weeks after the shooting, Bounds was summoned to the cab office and confronted by the angry brothers Guzzino. They told him that they had heard "on the street" that a Mexican and Bounds had been the Pilotto shooters. Sam Guzzino told him that he did not care that Bounds was the father of his grandchild, that he was going to take him for a ride and kill him. Bounds vehemently denied saying anything about the shooting, and Richard Guzzino convinced Sam that the street talk would not go to a level high enough to do any harm. They let Bounds go after warning him that he would be killed if anything more was heard about the shooting. (Bounds later learned that [redacted] had gotten drunk in a local bar and had claimed credit with Bounds for the shooting.)

Following the Guzzinos' threats, at the suggestion of his mother and sister-in-law, Bounds wrote two letters - one asking for protection, the other outlining some of the details (albeit exaggerated and somewhat inaccurate) of the shooting. Eleven copies of the second letter were made and addressed to various law enforcement agencies and given to his mother to put in her safe deposit box. She agreed to send the letters in the event he disappeared or was killed.

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Shortly after the September 13, 1981 murder of Nick D'Andrea, Bounds was called by [redacted] [redacted] advised that the D'Andrea family believed that Bounds was involved in D'Andrea's murder and that they were looking for him.

Bounds immediately contacted Richard and Sam Guzzino, who decided that he should leave town immediately. They gave him \$700, the name of a friend of theirs in Atlanta, Georgia to contact, and instructed him "to lay low."

Bounds left the Chicago area with [redacted] and drove to Atlanta, where he contacted [redacted] Bounds was given \$500 by [redacted] and after working in Atlanta for a few days he drove to Fort Smith, Arkansas to visit [redacted] While in Fort Smith, he learned of the discovery of Sam Guzzino's body. He then called

1/ Bounds has recently recalled that at around this time, both Richard and Sam Guzzino had Bounds draw a map of the location where he had buried the guns. They told him not to worry, that they would have someone take care of the guns.

Bounds also recalls that immediately after the shooting, he gave his outer clothes to Ciarrocchi and his street clothes to [redacted] for destruction

Richard Guzzino, who told him that Sam's death had nothing to do with the Pilotto shooting. Bounds asked for and was sent \$500.00 by Guzzino, who told him that it was the last money he was going to get - that it was every man for himself now. 2/

Bounds thereafter returned to the Chicago area and contacted the FBI. On November 10, 1982, pursuant to plea agreement, Bounds pleaded guilty to a two count information charging him with conspiracy and obstruction of justice, and was sentenced to 10 years incarceration, which he is currently serving in the Bureau of Prisons Witness Protection Program.

B. Rudolph Bamonti and Nick Fushi will testify that for three years prior to 1981 they had been part of a regular golfing foursome with Alfred Pilotto and Sam Guzzino and that they had regularly played every Saturday and Sunday at the Lincolnshire Golf Course in Crete, Illinois, always teeing off at 7:00 a.m.

As was their practice, on July 25, 1981, Fushi and Pilotto were in one cart and Guzzino and Bamonti were in another. At around 8:20 or 8:30 a.m., the foursome reached the 8th tee, and Pilotto and Fushi prepared to tee off first since they had won the previous hole. As Pilotto teed off, Guzzino and Bamonti were just approaching the tee area. Following his tee shot, Pilotto walked down a short flight of stairs to the golf cart. It was then that Bamonti and Fushi heard one or two shots, and saw Pilotto fall to the ground. Bamonti saw a man run towards Pilotto from some bushes and heard one or two more shots. b7C

Fushi, meanwhile, immediately after the first shot, saw a man in a crouched position in some bushes next to a tree. Fearing he was about to be fired upon, Fushi turned and ran for cover, and as he ran he heard more shots fired together, and then one more a short time later.

Bamonti will testify that his field of vision was partially obscured by shrubbery around the tee, and the next thing he saw was the shooter running away and jumping a chain alongside the golf cart lane leading up to the tee at which time another shot was fired. Bamonti described the shooter as a white male 5'8" or 5'9" tall, slim build, wearing a dark stocking over his face and a dark green or gray one-piece jumpsuit and carrying a dark automatic pistol. Fushi can only say that he was wearing dark clothing and a hood or possibly goggles. [Bounds is a white male, 27 years old, 5'11", and 165 pounds.]

After the shooting, Guzzino and Bamonti put the heavily bleeding Pilotto into a golf cart and drove him to a nearby residence, where an ambulance was called. Prior to the arrival of the ambulance Pilotto told his friends the following: "I didn't do anything", and "I don't understand it, I never hurt nobody."

Both men deny that Pilotto has ever discussed the incident since the day of the shooting.

Bamonti can testify that he knew that Sam Guzzino was a partner in the Vagabond Lounge in Chicago Heights and that at various times both [redacted] and Bob Ciarrocchi worked for him there. Bamonti also knows that [redacted] a close friend of Guzzino, [redacted]

2/ Bounds will testify that on the Saturday night he learned of Sam Guzzino's disappearance, he called Richard Guzzino from Ft. Smith, Arkansas where he was visiting [redacted] and asked for money. On the following Monday, Bounds received via Western Union a check for \$500 showing "Robert Green" as sender, which he cashed at a local bank.

C. Doctors, nurses and technicians of St. James Hospital will testify that a 70 year old white male identified as Alfred Pilotto was admitted to the Emergency Room with multiple gunshot wounds on the morning of July 25, 1981, at approximately 9:00 a.m. Pilotto was apparently shot four times: one bullet entering and exiting the right thigh, another hitting the right hand and forearm, the third entering and exiting the left shoulder, and the fourth round was found imbedded in the left elbow. He suffered compound, comminuted fractures of his elbow, forearm, clavicle and scapula, but had no injuries to any of the major organs. After the initial emergency surgery, he had further surgery to set the fractures, and was released from the hospital on August 16, 1981. One bullet was removed from his body on July 25 and turned over to the Crete Police Department.

D. Officers of the Crete, Illinois Police Department will testify that a search of the area of the 8th tee at the Lincolnshire Golf Course immediately following the Pilotto shooting revealed the following:

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1) Two spent lead projectiles (subsequently identified as .45 caliber) were found on and near the stairs leading down from the tee, b7D

2) Four spent .45 caliber shell casings were found - one near the bottom of the stairs, one nine feet from the stairs, and two next to the pathway paralleling the 8th tee,

3) A green nylon backpack containing a four band radio monitor was found in a wooded area next to a service road leading away from the 8th tee. The monitor and its batteries were dusted for latent prints, and one latent was found on a battery (but remains unidentified).

E. [redacted] will testify that [redacted]

[redacted] gave the scanner to Guzzino, who left with it.

A day or two after the Pilotto shooting, Richard Guzzino told [] that the scanner had been stolen and that he would replace it. Guzzino has not, to date, given [] another scanner.

[] has been shown and can identify the radio monitor recovered near the 8th tee of the Lincolnshire Golf Course as the one he last saw when he loaned it to Richard Guzzino.

[] also knows Robert Ciarrocchi and can identify him as a close friend of Richard Guzzino.

b7C

b7D

[]

G. Custodian of records, Radio Shack, Division of Tandy Corporation - will testify that the corporation's records indicate that on July 23, 1981 an individual using the name John Walker, 1445 Emerald Street, Chicago Heights, Illinois purchased a Citizens Band walkie-talkie for \$105.95 in cash at their South Chicago Heights store. That radio was apparently immediately exchanged for a different model, since the same name and address of the purchaser appears on the next higher numbered cash sales ticket which shows an exchange credit of \$105.95 and an additional charge for batteries, totaling in all \$177.14.

On the same day, Radio Shack's records indicate that the second radio and batteries were returned for a cash refund of \$177.14 to John Walker, same address, telephone numbers (312) 749-7149 and 754-7874. [Bounds does not recall purchasing the first radio and exchanging it. 1445 Emerald is the address of the Guzzino's cab company. 748-7149 was Sam Guzzino's residential phone number and 754-7874 was the residential telephone number of []

H. A representative of the Federal Communications Commission, Field Operations Bureau will testify that the operating frequency of 152.450 MHz in 1981 was assigned to licensed [], doing business as Safeway Service Cab Company, 1443 Emerald, Chicago Heights, Illinois.

[Safeway was the predecessor cab company bought out by Guzzino. 152.450 MHz was one of the three pre-set frequencies on the monitor recovered at the Lincolnshire Golf Course.]

I. [] Will County, Illinois Highway Department will testify that at the request and direction of the FBI, he removed a "Stop Ahead" sign from a sign post in rural Will County and turned it over to the FBI.

[The sign was located after Bounds directed the FBI to it. Upon arrival, the agents observed what appeared to be a dent made by a bullet which did not penetrate the sign immediately above the cross-bar of the "H" in "Ahead," precisely the location Bounds had previously told the agents Robert Ciarrocchi had hit the sign with his "silenced" rifle the week before the Pilotto shooting.]

J. Special Agents of the FBI will testify that pursuant to search warrant they conducted a search of an undeveloped property located at Nache and Offner Roads, Crete Township, Illinois. (The site described by Bounds as the place he was taken by Ciarrocchi and Richard Guzzino to practice firing a .357 magnum and .45 caliber automatic.) On the property the agents found three .45 caliber shell casings and a wooden "Keep Out" sign with a number of bullet holes around the letter "O".

[Bounds had previously indicated that he had used such a sign for target practice and recalled firing at and hitting the "O". Bounds had also advised the FBI that he recalled Ciarrocchi throwing the spent .357 casings out of the car window on the ride back to Chicago Heights, but believed that the ejected .45 casings had not been picked up off the ground after the target practice.]

K. A ballistics expert from the FBI laboratory will testify that, based on a microscopic comparison of extraction markings, one of the .45 caliber shell casings found at the 8th tee of the Lincolnshire Golf Course had been loaded into and extracted from the same weapon as one of the .45 caliber shell casings found at the target practice site in Crete Township. The remaining casings and recovered bullets had insufficient markings to be identified. All of the recovered casings and bullets were .45 caliber, and none match any weapons recovered to date.

L. Special Agents [redacted] will testify that they interviewed Robert F. Ciarrocchi on August 8, 1982 and that while he denied any involvement in or knowledge of the attempted murder of Al Pilotto, he did make the following admissions:

- 1) Ciarrocchi has been close friends with Richard and Sam Guzzino for more than 30 years.
- 2) Ciarrocchi knows Daniel Bounds through Sam Guzzino.
- 3) Ciarrocchi admitted owning a .45 caliber automatic and a .38 caliber or .357 magnum revolver.
- 4) After the murder of Sam Guzzino, Ciarrocchi admitted leaving the Chicago area with Richard Guzzino and remaining away for several months. He claimed that the reason they left was because of Richard Guzzino's "confusion" over the reasons for Sam's murder.

M. [redacted] Detective, Mattoon, Illinois Police Department will testify that shortly before Robert Ciarrocchi left town after the murder of Sam Guzzino, Ciarrocchi left for safekeeping with [redacted] a number of firearms, including eight handguns, seven shotguns, and five rifles, and a quantity of ammunition.

[redacted] has transferred all of the firearms and ammunition to the FBI for ballistics testing, and further advised the FBI that Ciarrocchi had left a .45 caliber automatic at a local gunshop to have the gun's sights repaired.

That weapon was obtained and with the others was examined at the FBI Laboratory. None of the firearms or ammunition could be tied to any of the bullets or casings recovered from the golf course or target practice area.]

[REDACTED] recalls attending the seventy-fifth birthday party for Sam Guzzino mother at the Alcazar Restaurant in Chicago Heights, and that one of her nephews or cousins videotaped the party.

O. Vera Christine Guzzino, widow of Sam Guzzino, will identify a videotape of the seventy-fifth birthday party of Florence Guzzino, Sam and Richard Guzzino's mother, which occurred on July 2, 1981 at the Alcazar Restaurant in Chicago Heights. The recording, made at the direction of her husband as a memento for his mother, includes shots of Alfred Pilotto, who was one of the guests.

[Bounds recalls learning of Sam Guzzino's disappearance on a Saturday, calling Richard Guzzino from Ft. Smith, Arkansas the same date, and receiving \$500 by wire on the following Monday. Guzzino's body was discovered on Saturday, October 3, 1981.]

Q. Certified records of the Clerk of the U.S. District Court for the Southern District of Florida will show that Alfred Pilotto was indicted in Miami on June 3, 1981 in United States v. Anthony Accardo, et al., 81-230-CR JWK

(the case was originally numbered 81-230-CR ALH when it was initially assigned to Judge Alcee L. Hastings. After Judge Hastings was indicted, the case was transferred to Judge Kehoe and renumbered). Pilotto was charged in one count with conspiring with fifteen other defendants to conduct the affairs of the Laborers International Union through a pattern of racketeering (bribes and kickbacks regarding the granting of dental, vision, and life insurance business), in violation of Title 18, United States Code, Section 1962(d). At the time of the attempt on Pilotto's life, he had been arraigned and was awaiting trial, which was initially set for July 27, 1981.

R. Alfred Pilotto will testify that prior to his current incarceration he was President of Local 5, Vice-President of the Chicago District Council, and Special Representative of the Executive Board of the Laborers International Union.

On July 25, 1981, Pilotto, while awaiting trial in U.S. District Court Miami, Florida, was golfing with his regular foursome at the Lincolnshire Golf Course in Crete, Illinois when he was shot by a man wearing a mask and coveralls. Pilotto will testify that he has no idea why he was attacked or whether it had any connection to the pending trial.

[This summary of Pilotto's expected testimony is based on his September 28, 1983, immunized appearance before the U.S. Senate Permanent Subcommittee on Investigations.

S. A firearms expert from the Bureau of Alcohol, Tobacco, and Firearms b7C will testify that handguns and, in particular, .45 caliber automatics and .357 magnum revolvers have never been manufactured within the State of Illinois.

T. Certified records of the U.S. Bureau of Prisons and/or U.S. District Court for the Northern District of Illinois will demonstrate that Richard Guzzino was convicted in 1973 of the offense of conducting an illegal gambling business, a federal felony, in violation of Title 18, United States Code, Section 1955.

U. A fingerprint expert from the FBI will testify that the Richard Guzzino indicted in this case is the same as the one convicted of a federal felony in 1973.

V. Summary of Additional Evidence Supporting Bounds' Expected Testimony.

In the likely event that the defense in this case attempts to undermine Bounds' credibility by arguing that he has falsified his testimony in order to lessen his exposure to attempted murder charges, the government can offer the following testimony under Federal Rules of Evidence 801(d) (1) (B) as consistent statements of a witness made prior to the time the witness had a motive to lie and which are offered to rebut an expressed or implied charge of recent fabrication. [See, United States v. Feldman, 711 F.2d 758 (7th Cir. 1981)]:

[REDACTED]

All of these witnesses can testify that the letters were photocopied and addressed to various individuals and law enforcement agencies pursuant to Daniel Bounds' request to maintain the letters unsent unless and until he disappeared or was murdered. The letters were, in fact, kept in [REDACTED] safe deposit box until, accompanied by FBI Special Agent [REDACTED] [REDACTED] opened the box and turned the letters over to the government.

The records of [REDACTED] bank show a pattern of entries into the safe deposit box consistent with her expected testimony.

VI. Law of the Case

A.

Title 18, United States Code, Section 241 (Civil rights conspiracy) provides:

If two or more persons conspire to injure, oppress, threaten, or intimidate any citizen in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same;

* * * *

They shall be fined not more than \$10,000 or imprisoned not more than ten years, or both; and if death results, they shall be subject to imprisonment for any term of years or for life.

This section protects a United States citizen's free exercise of the rights secured by the Constitution and law of the United States. It is violated where 1) a conspiracy exists, 2) the predominant purpose of which is to impede or prevent the exercise of a constitutionally secured right, 3) by injuring, oppressing, threatening, or intimidating, 4) a United States citizen. See, United States v. Guest, 383 U.S. 745 (1966).

The key element in making out a Section 241 violation is proof of a defendant's specific intent to interfere with a federally protected right. It is not necessary to prove that a defendant was thinking in constitutional terms, Screws v. United States, 323 U.S. 91, 106 (1945), or significant that a defendant had additional purposes or objectives which were non-constitutional in nature, United States v. Ehrlichman, 546 F.2d 910, 922 (D.C. Cir. 1976), so long as it was the "purpose of the co-conspirators to commit acts which deprive a citizen of interests in fact protected by clearly defined constitutional rights." Id. Also see, United States v. Redwine, No. 82-3048, Slip Op. at 6 (7th Cir. August 17, 1983).

Certain rights may form the basis for a Section 241 prosecution even though they are not explicitly set out in the Constitution or Amendments. These rights are those "implicitly conferred by the Constitution's establishment of a national government intended to be 'paramount and supreme within its sphere and action.'" United States v. Pacelli, 491 F.2d 1108, 1113 (2d Cir. 1971), citing, In re Quarles, 158 U.S. 532, 536 (1895).

In particular, the right to provide information concerning the violation of federal laws and the right to be a witness in federal proceedings have repeatedly been held to be among those implicit rights which are necessary and essential to the independence and supremacy of a national federal government, and which therefore, if interfered with, may form the basis for a Section 241 prosecution.

In Motes v. United States, 178 U.S. 458, 463 (1900), for example, where the defendant was prosecuted under the predecessor statute to Section 241 for murdering an Internal Revenue Service informant because he had provided information concerning liquor revenue violations, the Court held:

"It was the right and privilege of [deceased], in return for the protection he enjoyed under the Constitution and laws of the United States, to aid in the execution of the laws of his country by giving information to the proper authorities of violations of those laws. That right and privilege may properly be said to be secured by the Constitution and laws of the United States."

Also see, In re Quarles, 158 U.S. at 535.

The correlative right to providing information and evidence to federal law enforcement officers is the right to testify in federal proceedings. Most recently, in United States v. Smith, 623 F.2d 627 (9th Cir. 1980), a defendant's suspicion that his accomplice in a post office burglary had become an informant and possible witness against him and the defendant's subsequent efforts to murder him were found sufficient to make out a violation of Section 241.

The right of a person to be a witness in a federal court or other federal proceeding is well within the broad protection of Section 241.
... So is the right to inform federal officers of violations of federal laws.

623 F.2d at 629. Similarly, in United States v. Guillette, 547 F.2d 743, 748 (2d Cir. 1976) where the defendants murdered their former accomplice in a National Guard armory burglary who had been named as an unindicted co-conspirator and was scheduled to testify against them, the court held that " . . . the right to be a witness in a federal trial is a civil right secured by the Constitution and protected from infringement or deprivation by Section 241." Also see, United States v. Thevis, 665 F.2d 616, 626 (5th Cir., Unit B 1982); Foss v. United States, 266 F.881 (9th Cir. 1920).

The holding in Guillette was based on the Second Circuit's decision in United States v. Pacelli, 491 F.2d 1108, 1113 (2d Cir. 1974). There, the defendant Pacelli had murdered Patsy Parks, who had testified before a federal grand jury which subsequently indicted Pacelli and others for various narcotics violations. Although Parks had not yet been subpoenaed to appear at Pacelli's trial, the evidence clearly established that the defendants caused her murder because they believed that she was about to be subpoenaed and they feared the impact of her testimony at trial.

The clear import of Pacelli and the other cases is that Section 241 is violated not only by conduct which seeks to punish or oppress a person because of his past exercise of a federally protected right, but also is violated by actions which seek to impede or prevent the future exercise of such rights. See, United States v. Guest, 383 U.S. at 760.

The case law does not appear to require that the person whom the defendant acts against in fact be a witness, only that the defendant specifically intends to prevent him from exercising his right to be a witness. Nor does it appear that the statute or case law would distinguish between a non-party witness and defendant - witness, as is the case here. Certainly in conjunction with the Sixth Amendment, it can hardly be doubted that if a non-party witness has a constitutionally secured right to testify, then a party-witness must be guaranteed the right to testify in his own defense if he chooses.

Finally, Section 241 does not require that there be any state action in the conduct which it is alleged interferes with the victim's enjoyment of a federally secured right. As Justice Frankfurter pointed out in United States v. Williams, 341 U.S. 70, 77 (1951), in discussing the predecessor statute to Section 241, the rights protected under the statute "are those which Congress can beyond doubt constitutionally secure against interference by private individuals."

B.

Title 18, United States Code, Section 1503 (Obstruction of Justice) provides:

Whoever corruptly, or by threats or force . . .
endeavors to influence, intimidate, or impede any
witness, in any court of the United States . . .
or injures any party or witness in his person or
property on account of attending or having attended
such court . . . or on account of his testifying
or having testified to any matter, pending therein
. . . or corruptly or by threats or force,
. . . influences, obstructs, or impedes,

or endeavors to influence, obstruct, or impede, the due administration of justice, shall be fined not more than \$5,000 or imprisoned not more than five years, or both.

To establish a violation of Section 1503, it is necessary to prove that: 1) there was a proceeding in the courts of the United States; 2) that the object of defendant's conduct was a witness in or party to that proceeding; 3) that the defendant knew or believed that the object of his conduct was a witness or party; and 4) that the defendant intended by his conduct to punish the party/witness for his past testimony or to prevent him from testifying in the future. See, United States v. Chandler, 604 F.2d 972, 975 fn.6 (5th Cir. 1979).

Two of the provisions of Section 1503 seem applicable here. The first clause - impeding a witness - and the final or "omnibus clause" - endeavoring to obstruct the due administration of justice - both apply, among other things, to attempts to prevent a witness from testifying in a federal proceeding. While there is no case law concerning efforts to keep a party from testifying, there does not appear to be any discernible basis to treat a plot designed to keep a defendant from testifying any differently than one aimed at a prospective witness.

There is case law, however, which treats the "witness" provision of the first clause as a term of art, imposing rather technical definitional requirements (Was the person under subpoena? Scheduled to testify? Testified at trial and expected to testify on retrial?) For that reason, and because the omnibus clause clearly applies to a prospective witness, we are recommending that only the due administration of justice clause be utilized. See, e.g., United States v. Friedland, 660 F.2d 919, 930-931 (3d Cir. 1981); Falk v. United States, 370 F.2d 472, 476 (9th Cir. 1966).

The middle provision of Section 1503 which makes illegal an endeavor to injure "any party or witness in his person . . . on account of having attended . . . court . . . or having testified . . ." is aimed at preventing retribution against a party or witness for his past conduct in attending or testifying in a proceeding. Here, the defendants acted to prevent Pilotto from testifying rather than in retribution for any prior acts of Pilotto's.

The primary legal issue presented is Pilotto's status as a "witness" within the meaning of the provisions of the omnibus clause of Section 1503. The purpose of the statute is to protect participants in federal judicial proceedings from interference that impedes the due administration of justice. A "witness" is such a participant and is defined in the cases relating to Section 1503 as "one who knows or is expected to know material facts and is expected to testify to them or to be called on to testify." United States v. Berardi, 675 F.2d 894, 9 (7th Cir. 1983); United States v. Chandler, 604 F.2d 972, 974 (5th Cir. 1979); United States v. Grunewald, 233 F.2d 556, 571 (2d Cir. 1956) rev'd on other ground 353 U.S. 391 (1957). Since there can be little doubt that Pilotto possessed information material to the indicted case in which he was charged, the only remaining issue is whether Pilotto was expected to testify or be called upon to testify.

As we are not charging the defendants under the explicit "witness" provision of Section 1503, the significant inquiry then becomes the defendants' expectation as to Pilotto's status as a witness and not whether Pilotto himself intended or expected to testify. If it was the defendants' belief that Pilotto was going to testify in his own trial, and they acted to prevent him from testifying, their conduct constitutes an endeavor to obstruct the due administration of justice. United States v. Berardi, 675 F.2d at 904; United States v. Friedland, 660 F.2d at 931; Falk v. United States, 370 F.2d at 476. Also see, United States v. Rainieri, 670 F.2d 702, 718-719 (7th Cir. 1982).

Under the omnibus clause, it is irrelevant whether the victim of the defendants' endeavor had the status of a witness, or even if, as here, the court had no power to compel his testimony. United States v. Johnson, 605 F.2d 729, 730 (4th Cir. 1979); United States v. Chandler, 604 F.2d 972, 975 n.4 (5th Cir. 1979) (cases on appeal when indictable acts occurred). As long as the prospective witness possessed material information and there existed the present prospect that his testimonial potential would be exploited, he is a protected party within the ambit of Section 1503. Id.

It is also irrelevant whether the endeavor to obstruct justice was successful; that is, whether the administration of justice was actually affected or disrupted by the defendants' conduct. "The law prohibits the endeavor to obstruct justice and does not require that the due administration of justice was or could be influenced, obstructed or impeded by the conduct of defendant . . ." United States v. Nicosia, 638 F.2d 970, 975 (7th Cir. 1980). See, United States v. Russell, 255 U.S. 138 (1921); Osborn v. United States, 385 U.S. 429 (1966).

Defendants charged with both Sections 241 and 1503 have occasionally asserted that prosecution under Section 241 was improper, since Section 1503 is the more specific statute in describing this type of criminal conduct. While it is true that when two statutes deal with the same offense, in certain situations the more specifically drawn statute will control over the general, here the statutes do not cover the same offense - one is substantive, the other punishes conspiracies. Each statute describes distinct offenses. See, United States v. Smith, 623 F.2d 627, 629-630 (9th Cir. 1980).

C.

Title 18, United States Code, Section 924(c) (1) provides, in pertinent part:

(c) Whoever

(1) uses a firearm to commit any felony for which he may be prosecuted in a court of the United States shall, in addition to the punishment provided for the commission of such felony, be sentenced to a term of imprisonment for not less than one year nor more than ten years.

The statute requires proof that a defendant 1) committed a federal felony and 2) that during its commission, the defendant used a firearm. "Use" of a firearm generally means that the presence of the firearm facilitated the carrying out of the crime or increased the likelihood of success. It is not necessary to prove that the firearm was actually fired. United States v. Mason, 658 F.2d 1263, 1270-71 (9th Cir. 1981).

The mere carrying of a firearm even during the commission of a federal crime is not necessarily violative of the statute if the carrying is otherwise legal under state law. United States v. Akers, 542 F.2d 770 (9th Cir. 1976); United States v. Reminga, 493 F.Supp. 1351 (W.D. Mich. 1980). Here, of course, the weapons were more than merely being carried at the scene of the crime, they were discharged in its commission. Additionally, the carrying and use of these weapons was in violation of a number of Illinois statutes: ILL. REV.STAT.ch. 38, §33A-2 (armed violence); §24-1 (unlawful use), etc.

To demonstrate that the weapon was used during the commission of a federal offense, it is only necessary to prove that the defendant was engaged in the felonious activity charged when the weapon was used, even if the crime was not completed. In United States v. Johnson, 658 F.2d 1176, 1180-81 (7th Cir. 1981), for example, the defendant who was charged with carrying a firearm during the distribution of cocaine had been disarmed by an undercover DFA agent prior to his delivery of drugs to the agent. The court held that it would be inconsistent with Congress' purpose in limiting the growing use of firearms in violent crimes to require that the statute could only be violated if a firearm was used or carried at the time a crime was completed or all of its legal elements were satisfied. Also see, United States v. Reid, 517 F.2d 953, 965 (2d Cir. 1975).

Where another aids and abets the use of the firearm or is a member of a conspiracy or joint venture which the utilization of a firearm furthers, then that individual is liable for the firearm's use under the statute even where he does not actively participate in its use or is not present at the scene of the crime. United States v. James, 528 F.2d 999, 1015 (5th Cir. 1976); United States v. Brant, 448 F.Supp. 781 (W.D.Pa. 1978).

D.

Title 18, United States Code, Section 922(h) (1) provides that:

(h) It shall be unlawful for any person

(1) who is under indictment for, or who has been convicted in any court of, a crime punishable by imprisonment for a term exceeding one year; to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.

The essential elements of this offense are that: 1) the defendant was convicted of a crime punishable by imprisonment for more than one year; 2) that thereafter he knowingly received a firearm; and 3) that, previous to defendant's receipt, the firearm had been shipped or transported in interstate commerce.

It is not necessary that a defendant was in fact incarcerated, so long as the crime for which he was convicted carried the potential for imprisonment of more than one year, United States v. Lehmann, 613 F.2d 130 (5th Cir. 1980), nor is it necessary to prove that the defendant knew that he could have been incarcerated for more than one year. United States v. Williams, 588 F.2d 92 (4th Cir. 1978).

Receipt is defined as the taking of possession or knowing acceptance, United States v. Hammons, 566 F.2d 1301, 1303 (5th Cir. 1978) and can generally be proven by the circumstances of possession. United States v. Turnmire, 574 F.2d 1156, 1157 (4th Cir. 1978); United States v. Rose, 562 F.2d 409, 410 (7th Cir. 1977). The duration of the possession following receipt is irrelevant, no matter how brief the possession might be. United States v. Turnmire, 574 F.2d at 1157. And legal title or ownership of the firearm, while relevant, is not necessary to proof of receipt. United States v. Mitchell, 557 F.2d 1290, 1292 (9th Cir. 1977).

The only intent element of the statute is proof that the defendant knew he was receiving a firearm. It is not necessary to show that defendant knew he was violating the law, United States v. Oliver, 683 F.2d 224, 229 (7th Cir. 1982), or that he knew of or had any connection with the interstate movement of the firearm. Barrett v. United States, 423 U.S. 212, 217 (1976).

All that is required to prove the interstate commerce element is that at some point prior to defendant's receipt the firearm had been transported in interstate commerce. Id. The timing of the interstate movement of the firearm is irrelevant and may have occurred outside of the statute of limitations, United States v. Haddad, 558 F.2d 968, 972 (9th Cir. 1977) or even prior to the adoption of the statute, United States v. Mitchell, 557 F.2d at 1292. Proof that a firearm was manufactured in a state other than the one in which the defendant possessed it will be sufficient for a jury to find interstate commerce. Barrett v. United States, 423 U.S. at 215 n.4.

VII. Special Problems, Anticipated Defenses, and Other Considerations.

A. Basis for Federal, rather than State, Prosecution.

We have recommended for federal prosecution what would ordinarily be a straightforward state prosecution for conspiracy and attempted murder because of concerns expressed by the Chicago Division of the FBI and shared by this office relating to judicial corruption in the courts of Cook County, and possibly Will County, Illinois. Our experience (and the results of an ongoing investigation in this District into court corruption) suggests that cases involving organized crime figures seem to be regularly assigned to judges whom we suspect of corruption and thereafter, almost without exception, are dismissed or result in acquittals. Because Illinois law does not give the State the right to a jury trial and since the State cannot ordinarily obtain a reassignment to a different judge, there is no effective remedy available within the local court system. It should be noted that the FBI has voiced the same concerns with regard to the court system in Will County, where Crete Township is located.

If, however, the Department believes that this case would be more suitably brought by the local authorities, the Illinois statute of limitations would permit prosecution until at least July 25, 1984, and tolling provisions might extend that date by several months. ILL.REV.STATS.ch. 38, §§3-5, 3-7(a). Although Illinois exempts murder from any limitation period, there is no statute which would explicitly exempt attempt or conspiracy to murder from the ordinary three year statute of limitations. The only decided case directly on point, People v. Edwards, 434 N.W.2d 1179, 105 Ill.App.3d 822 (1982) held that the limitations statute exempting murder and certain other crimes from the three year period unambiguously excluded inchoate crimes from the exemption, and that, therefore, the charges of attempt and conspiracy to murder must be brought within three years of the last act in furtherance of the plan to commit murder.

B. Issues at Trial

For a change, there are few, if any, of the more popular defense issues ordinarily found in organized crime prosecutions. It does not appear that there will be any arguments concerning grand jury abuse, prosecutorial misconduct, illegal searches or electronic surveillance, prejudicial publicity, Brady or Bruton, to name a few, raised here. There are really only two interrelated issues we expect to confront:

1. Does the evidence support the government's civil rights and obstruction of justice theories?

Bounds is explicit, albeit uncorroborated, that several references were made by the Guzzinos to their fear that Pilotto would "spill names" in the "union case" in Miami, and that it was his job to make sure that Pilotto never got that chance. It is, of course, critical for the government to prove that the defendants intended to murder Pilotto because they believed he might testify in the trial in Miami, or alternatively for the Section 241 Count, that he might provide information to federal authorities, presumably as a result of the pressures brought to bear on him by the prosecution.

2. Is Bounds credible, particularly with regard to the defendants' motive?

We expect that the credibility of Daniel Bounds will be the primary defense issue. By necessity, the defense must attack his overall story, including the Guzzinos' statements as to their reasons for wanting Pilotto murdered. Although, as noted above, Bounds' recollection of the key statements of the Guzzinos is uncorroborated, it is our view that, when taken in context, Bounds' expected testimony and the rest of the government's evidence will be sufficient to convict for the following reasons:

a. Corroboration - Many of the important elements of Bounds' version of events have been independently verified. Most significant is the evidence that the radio scanner found abandoned at the scene of the shooting was obtained by Richard Guzzino from an employee at his cab company. Equally significant is the [REDACTED]

[REDACTED]

A number of other items of evidence - detailed in Section IV above - will corroborate Bounds, but one of the more important items is one of the .45 caliber shell casings found at the site described by Bounds as the practice range he was taken to by Richard Guzzino and Robert Ciarrocchi in the days prior to the shooting. That casing matched one of the casings found on the golf course, and an FBI ballistics expert will testify that the two casings were loaded into and extracted from the same pistol.

b7C

b. Prior consistent statements - Assuming that the defendants' attack on Bounds' credibility is bottomed on Bounds' motive to lie in order to please the government to obtain leniency, we would expect to be allowed to introduce the prior consistent statements made to [REDACTED] prior to the time he began his cooperation with the FBI. FED.R.EVID. 801 (d) (1) (B).

Some of Bounds' statements made days before and after the shooting are detailed and directly implicate Robert Ciarrocchi and Richard Guzzino. These statements were contemporaneous to the crime and were made long before Bounds had any intention of confessing or cooperating with the government. There is no indication that when Bounds implicated the defendants he had any reason to expect lenient treatment from anyone. At least these prior consistent statements are relevant and therefore admissible to rebut inferences of fabrication. United States v. Feldman, 711 F.2d 758, 766-67 (7th Cir. 1983).

Since it is difficult to imagine this case being defended without a credibility attack on Bounds, and since we are presently unaware of any basis to impeach Bounds other than his obvious desire to avoid a sentence longer than the 10 years he is currently serving, it is reasonable to believe that Bounds' prior consistent statements will be admitted into evidence at trial, and will substantially buttress his testimony.

c. Lack of motive to lie - The defendants will be hard pressed to explain Bounds' "fabrication" of their involvement for reasons other than described in the paragraph above. All of the witnesses interviewed who were familiar with Bounds and the Guzzinos have commented on the exceptionally good relationship which Bounds maintained with Sam Guzzino following his divorce from Guzzino's daughter. As outlined above, Guzzino employed Bounds after the divorce and intervened on occasion to assist Bounds in visiting Bounds' daughter, who was living with his ex-wife. There is also evidence that after the shooting the Guzzinos gave Bounds money and contacted [redacted] who also gave money to Bounds at Guzzino's request. b7C

d. Chronology - Bounds' testimony that the murder plot was hatched because of the defendants' fears that Pilotto might testify or "spill names" in the "union case" in Miami is supported by the chronology of events. Within approximately five weeks of the United States v. Accardo indictment in Miami, Bounds was first approached by Sam Guzzino. The date on which Pilotto was shot - July 25, 1981 - was set by Sam Guzzino and was two days prior to the date on which the Miami trial was originally set to begin.

e. Jury appeal - The evidence of the attempted murder and, in particular, Richard Guzzino's involvement is sufficiently strong that we believe it unlikely that a trial jury would accept one part of Bounds' testimony and reject another. Where, as here, a witness is corroborated in detail concerning a crime of violence, our experience is that he is likely to be believed concerning those details which are uncorroborated - particularly where corroboration is unavailable, as is the case here with Bounds' recollection of the defendants' statements of their reasons for wanting Pilotto murdered.

Bounds is unsophisticated and not terribly bright. He is, at best, a minor criminal with a minor history of arrests, who no one in their right mind would recruit for a murder - except for his availability and expendability. He will come across to a jury as a person who is incapable of inventing this kind of story and who has no good reason to do so.

VIII. Conclusion

For the reasons outlined above, the Chicago Strike Force recommends the indictment of Richard Guzzino and Robert Ciarrocchi for violations of Title 18, United States Code, Sections 241, 1503, 924(c)(1), and 922(h)(1).



U.S. Department of Justice

Federal Bureau of Investigation

In Reply, Please Refer to
File No. CG 183A-1473

219 South Dearborn Street
Chicago, Illinois
March 28, 1984

Mr. Douglas P. Roller
Attorney In Charge
Chicago Strike Force
Fourteenth Floor
Everett Mc Kinley Dirksen Building
219 South Dearborn Street
Chicago, Illinois 60604

Attention: Gary Shapiro
Deputy Chief

Re: Samuel Guzzino (Deceased);
Richard Phillip Guzzino, also
known as; Robert F. Ciarrocchi;
Daniel Addison Bounds;
Alfred Pilotto-Intended Victim;
Racketeer Influenced and Corrupt
Organizations-Murder; Obstruction
of Justice; Conspiracy

b7C

Dear Mr. Roller:

The Chicago Division is currently investigating Richard Guzzino, 652 West 14th Place, Chicago Heights, Illinois, for violations of Title 18, United States Code, Sections 241 (Civil Rights-Murder Conspiracy); 1503 (Obstruction of Justice); and 924(c)(2) (Use of a Firearm in the Commission of a Federal Felony). This investigation, which began approximately July, 1981, has led this Division to believe that Richard Guzzino is using telephone number [redacted] located at [redacted] Chicago Heights, Illinois, and subscribed to by [redacted] to conduct and further criminal activities in violation of Federal Law.

- 2 - Addressee
① - Chicago (183A-1473)

MJK/dlf

(3) *def*

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FBI-CHICAGO	
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Our investigation to date, indicates that Richard Guzzino conspired to murder Alfred Pilotto in order to prevent him from testifying in a Federal proceeding. It appears that telephone number [redacted] may be used to contact co-conspirators and, as a result, the use of a device to register telephone numbers called, will result in obtaining information concerning the above described offenses, other participants, and co-conspirators.

The Case Agent for this investigation is Special Agent (SA) [redacted], who may be contacted at telephone number [redacted]

b2

b7C

Very truly yours,

EDWARD D. HEGARTY
Special Agent In Charge

BY: *[Signature]*

[redacted]
Supervisory Special Agent

FEDERAL BUREAU OF INVESTIGATION
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